

TRIBUTE TO CONGRESSMAN  
DONALD G. BROTZMAN

Mr. HAGEL. Mr. President, I rise to express my sympathy over the loss of a dear friend, Donald G. Brotzman, distinguished former Colorado Congressman who represented Boulder in the U.S. House of Representatives. Congressman Brotzman passed away on September 15 at the age of 82 in Alexandria, VA.

Don Brotzman was a friend to all who knew him. Highly respected and a man of immense character, he always had time for everyone. His wise counsel was constantly sought by leaders and friends.

Don served in the Colorado State House of Representatives from 1952 to 1954 and in the State Senate from 1954 to 1956. In 1959, President Dwight D. Eisenhower appointed Don as U.S. attorney for Colorado. Congressman Brotzman served in the U.S. House of Representatives from 1963 to 1965 and again from 1967 to 1975. In 1975, President Gerald R. Ford appointed him Assistant Secretary of the Army for Manpower and Reserve Affairs. He served 2 years in that position and was credited with helping lead the way for the implementation of the "all-volunteer army."

Don was born on a farm near Sterling, CO. He served in the U.S. Army in the Pacific theater during World War II. He graduated from the University of Colorado Schools of Business and Law where he had begun his undergraduate work before the war on a football scholarship. He was an All Big Eight middle linebacker for the Colorado Buffaloes.

Don Brotzman was preceded in death by his wife of 51 years, Louise Reed Brotzman, who died in 1995. He leaves behind his wife, Gwendolyn Davis Brotzman of Alexandria, whom he married in 1996; two children from his first marriage, Kathy Caldwell of Longmont, CO, and Donald G. "Chip" Brotzman Jr. of Carbondale, CO; a stepson, Robert Higgins of Philippi, WV; a brother; and six grandchildren.

We will miss this good man, Don Brotzman. I ask my colleagues to join me and all Americans in honoring World War II veteran and Congressman Donald G. Brotzman.

IMPLEMENTATION OF ACCOUNTABILITY PROVISIONS FOR STUDENTS WITH SPECIAL NEEDS

Mrs. CLINTON. Mr. President, I rise to bring an important matter to the attention of my colleagues. As we all know, the No Child Left Behind Act, NCLB, requires an important shift in accountability for our Nation's public schools. It requires our schools to look at the achievement of all students, including students in several traditionally underperforming subgroups such as students with special needs.

Our goal in passing this law was to make sure that no child was left behind

to send a clear message that all American children deserve a world-class education. To do that, we required accountability for results, expanded local control and flexibility, emphasized the importance of valid and reliable educational tools, and expanded parental involvement. We also required schools to show, through transparent processes, sufficient progress for all students, including minorities, low-income students and students with disabilities.

Today I am submitting for the record an August 30, 2004, New York Times article that contains troubling information about how NCLB is being implemented for students with special needs. This article, "School Achievement Reports Often Exclude the Disabled," by Diana Jean Schemo, illustrates that some States are skirting the law in ways that are leaving students with disabilities behind.

According to Schemo and the education officials who corroborated her observations, some States have raised the minimum number of disabled students that must be enrolled before the school has to report on their progress as a separate group. And some States do not break down the test scores for disabled students on school report cards. A number of States even classify special education schools as programs, not schools, therefore exempting them from accountability.

This report is deeply troubling because it makes it impossible for parents to evaluate the effectiveness of their children's schools, and ultimately, could lead to children with special needs being ignored as they too often were in the past.

Over 25 years ago, Congress enacted the Individuals with Disabilities Education Act, a landmark education and civil rights law that ensured that all students—including the 6 million with disabilities—receive quality services in our Nation's public schools. This body has worked hard to reauthorize the IDEA because we continue to believe strongly in the notion that every child with special needs has the right to a free, appropriate, public education. The spirit and the letter of the No Child Left Behind Act builds on that promise, and it is my hope that with better implementation, it will be realized.

I ask unanimous consent that the New York Times article be printed in the RECORD.

There being no objection, the following material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Aug. 30, 2004]

SCHOOL ACHIEVEMENT REPORTS OFTEN  
EXCLUDE THE DISABLED  
(By Diana Jean Schemo)

The first time Tyler Brenneise, a 10-year-old who is autistic and mildly retarded, took the same state achievement tests as California's nondisabled children, his mother, Allison, anxiously awaited the results, along with the state report card on his special education school, the Del Sol Academy, in San Diego. But when the California Department

of Education issued its annual report on school performance several months later, Del Sol Academy was nowhere to be found. Ms. Brenneise wrote state officials asking why. "They wrote back," she said, "that the school doesn't exist."

That is because San Diego labels Del Sol a program, not a school, said Karen Bachoffer, spokeswoman for the San Diego schools. And like most other states, California does not provide report cards for programs that educate disabled children.

"He doesn't count," Ms. Brenneise said. "He's left behind."

The problem is not confined to California. Around the country, states and school districts are sidestepping the spirit, and sometimes the letter, of the federal No Child Left Behind Education Act when it comes to recording their successes and failures in teaching disabled youngsters.

Federal officials have acknowledged permitting a growing number of states to exclude many special education students from reports on school progress, on the grounds that they account for only a small portion of enrollment.

But a review of state education records shows that some states and districts are going far beyond this measure to avoid disclosing the quality of the education they provide to such students.

Some exempt schools for disabled students. Still others simply do not disclose basic information required by the federal law, for example the percentage of disabled education students who graduate from high school, and about 10 states have not been fully reporting how students do on achievement tests tailored to disabled students, federal officials say. New York City's all-special-education district of 20,000 mentally or physically disabled students, District 75, gives only fragments of the information the federal law requires for accountability, reporting schools "in good standing" despite dismal results.

The trend toward avoiding accountability is alarming advocates for the nation's six million disabled students, who see it as an erosion of the education act's disclosure requirements. In them, parents and advocates say, they saw a crucial lever for helping their children meet higher academic standards, and a way of finding out which schools were meeting the challenge.

"The reporting system is a shambles," said James Wendorf, executive director of the National Center for Learning Disabilities. Without full disclosure, Mr. Wendorf said, parents have no handy way of knowing what kinds of services schools are providing each day and how the schools, as a whole, measure up. "It's like flying a plane without instruments," he said. "How does a parent know where the plane is expected to land if they don't have that kind of information?"

Federal officials say that aside from the 10 or so states not fully reporting scores on achievement tests tailored to disabled students, most have made great strides to satisfy the complex new law, but they say they are monitoring to see that states follow through. Under the law, schools must report on the test scores of disabled children to show they are making adequate progress toward proficiency in reading and math by 2014. The states are left to determine what is proficient. Eugene W. Hickok, the under secretary of education, acknowledged that many schools that exclusively serve disabled children were not issuing report cards. But he said that in such cases, the test scores of children in those schools were instead reported at the school district level and, if not there, at the state level.

"Every child is part of an accountability system," Mr. Hickok said. "That doesn't mean there aren't people who are trying to